

FORECLOSURE BY SALE STANDING ORDERS

1. Committee will be appointed by the Court from a list of approved attorneys.
2. Sale will take place at 11:00 am on the premises unless otherwise ordered by the court.
3. Inspection will occur one hour prior to the sale on the date of sale unless otherwise designated.
4. The deposit is 10% of the fair market value as found by the Court. The deposit is waived for the plaintiff unless requested otherwise. Deposit is to be paid by either bank or certified check. Purchaser is to close within 30 days of the Court's approval of the committee deed. The deposit shall be forfeited if the purchaser fails to close within 30 days of the approval of the committee deed.
5. Advertisement is to be published twice in a newspaper as directed by the court.
6. The sign is to be placed on the premises as directed by the court.
7. The size of the sign is to be approximately 3 feet wide and 2 feet high and must contain the following statement: DO NOT REMOVE; VIOLATION SUBJECT TO PUNISHMENT BY THE COURT.
8. Cost of the sign is not to exceed the amount customarily authorized by the court including preparation, erection and photograph for inclusion in committee report.
9. Committee is authorized to replace the sign once without court approval, provided the sign can be erected at least ten days prior to sale. DO NOT ERECT THE SIGN YOURSELF.
10. A disinterested appraiser will be appointed and will, under oath, appraise the property and make return of the appraisal to the Clerk of the Court at least seven days prior to the sale. The court will retain this appraisal.
11. Committee is to obtain liability insurance for the date of the sale in the amount of \$1,000,000. Premium not to exceed \$275.00.
12. Except for filing an appearance, if the sale is more than two months in the future, the committee should incur no fees or expenses until directed by the court.
13. The Committee is authorized to conduct a title search of the property. The expense incurred in connection with the title search shall not exceed \$200.00.
14. If the sale is cancelled for any reason after publication or erection of the sign, a written announcement of cancellation should be posted on the site. The committee is to remain on site in that event.
15. The following information is to be contained in the Court ordered letter to the nonappearing defendant owner of the equity: a.) Clearly state at the beginning that the letter is being sent at the direction of the Court; b.) State the results of the foreclosure judgement; c.) Inform the nonappearing equity owner that he/she/they risk loss of the equity if he/she/they fail to take steps to protect that equity AND THAT HE/SHE/THEY SHOULD CHECK WITH THE COURT AFTER THE SALE TO LEARN IF THERE IS ANY MONEY THAT IS DISTRIBUTABLE TO HIM/HER/THEM; d.) State that the nonappearing party should either file his/her own appearance or have an attorney file one on his/her/their behalf in order to protect his/her/their interest in the equity. This letter is to be sent by the plaintiff via certified mail, return receipt requested. A copy of the letter and later the return receipt should be sent to the Clerk of the Court. NO SALE WILL BE APPROVED OR FUNDS DISBURSED WITHOUT PROOF OF MAILING.
16. The sale is subject to and an all liens choate and inchoate which are prior in right to the encumbrance being foreclosed.
17. The committee is to follow the Uniform Procedures for Foreclosure by Sale Matters except as modified herein. (JD-CV-81 Rev.1-03). Committee deed to be prepared on form JD-CV-74 only.
18. Standing orders regarding Standard form Newspaper Ads, Model Notice To Bidders and Plaintiffs Bid at Foreclosure Sale are incorporated herein by reference.